

PERETORE & PERETORE, P.C.  
191 Woodport Road  
Sparta, New Jersey 07871  
(973) 729-8991  
Attorneys for National City Commercial Capital Company, LLC

/s/ Frank Peretore, Esq.  
Frank Peretore, Esq.  
FP #7020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	Case Number: 08 CIV 3856
NATIONAL CITY COMMERCIAL CAPITAL	:	Judge Brieant
COMPANY, LLC,	:	
	:	ECF CASE
Plaintiff,	:	
	:	ORDER FOR DEFAULT
vs.	:	JUDGMENT
	:	
KGM CIRCUIT SOLUTIONS, LLC,	:	
	:	
Defendant.	:	
-----X	:	

This matter having come before the Court by motion of counsel for the plaintiff ("National City") seeking entry of default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) against the defendant for failure to answer or otherwise move in response to the Complaint which was duly served upon them; and said defendant being in default of payment obligations to the plaintiff and the

defendant; and the plaintiff having submitted an Affidavit of Amount Due and Non-Military Service;

**THE COURT FINDS:**

1. This Court has jurisdiction of the subject matter of all counts of this action and over all the parties hereto.

2. The defendant was duly served with the Summons and Complaint.

3. The time to respond to the Summons and Complaint has expired and the defendant failed to respond.

4. A default judgment in this action is hereby to be entered in favor of National City Commercial Capital Company, LLC and against KGM Circuit Solutions, LLC.

**IT IS, THEREFORE ORDERED AND ADJUDGED**, that National City recover from KGM Circuit Solutions, LLC the sum of \$84,578.00 plus \$2,337.55 in attorneys' fees for a total of \$86,915.55; and it is further

**ORDERED**, that plaintiff shall have immediate and permanent title and possession to the collateral equipment ("the equipment") subject to the transactions described in the Complaint and motion papers, which has not been returned to plaintiff, and which is described on **EXHIBIT A** (one page) hereto; and it is further

**ORDERED**, that the defendant shall properly maintain said equipment and return it to plaintiff or its agents within five (5) days hereof and fully cooperate in said return; and it is further

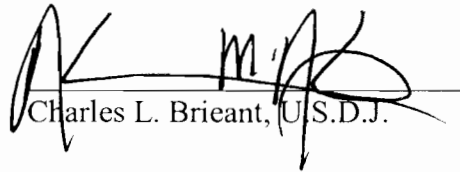
**ORDERED**, in the event that plaintiff takes possession of the equipment, plaintiff shall attempt to dispose of said personal property in a commercially reasonable manner in accordance with

the New York Uniform Commercial Code and the net proceeds from said sale, if any, after deduction of reasonable expenses of retaking, holding, preparing for sale, selling and the like, shall be applied to reduce the amount of the Judgment herein; and it is further

✓ **ORDERED**, that a copy of this Order shall be served upon defendant within 3

days of receipt of same by plaintiff's counsel.

✓ **SO ORDERED**, this 16<sup>th</sup> day of June, 2008.

✓   
Charles L. Brieant, U.S.D.J.